

Message Text

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21

ACTION EUR-12

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FM AMEMBASSY ATHENS

TO SECSTATE WASHDC IMMEDIATE 7474

INFO AMCONSUL FRANKFURT PRIORITY

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JCS PRIORITY

USCINCUER PRIORITY

CINCUSNAVUER PRIORITY

RUEOFIA CMC PRIORITY

NAV JAG WASHDC PRIORITY

JA MARINE CORPS PRIORITY

NAVLEGS CBROFF ATHENS PRIORITY

MARBKS NAPLES IT PRIORITY

CVMFAIRMED NAPLES IT PRIORITY

NAVSUPPACT NAPLES IT PRIORITY

MARSECURITYGDBN WASHDC PRIORITY

NAVLEGSVCOFF NAPLES IT PRIORITY

C O N F I D E N T I A L ATHENS 1300

E.O. 11652: GDS

TAGS: ASEC, MILI, OGEN

SUBJECT: CASE OF MSG TELESFORO SANCHEZ

REFS: (A) NAVLEGS CBROFF ATHENS 111558Z FEB 75;

(B) STATE 025551; (C) ATHENS 839; (D) STATE 021142

1. IT APPEARS FROM DISCUSSIONS HERE THAT AN IMPASSE MAY
HAVE BEEN REACHED IN OUR EFFORTS TO MOVE TOWARDS AN
EXPEDITIOUS RESOLUTION OF THE SANCHEZ CASE. ON THE ONE
HAND, GUIDANCE AND INSTRUCTIONS THE EMBASSY HAS RECEIVED
FROM WASHINGTON STATE THAT THE USG WISHES TO DEFER
MAKING ANY DECISION ON WHETHER OR NOT TO WAIVE IMMUNITY
OF SANCHEZ UNTILL AFTER THE ARTICLE 32 INVESTIGATION IS
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COMPLETED (REFS B AND D). ON THE OTHER HAND, US

OFFICIALS WORKING ON THE CASE HERE IN ATHENS HAVE CONCULDED THAT IT WILL NOT BE POSSIBLE TO COMPLETE THE ARTICLE 32 INVESTIGATION SATISFACTORILY WITHOUT THE ASSISTANCE OF THE GOG, THE VICTIM, AND HER FAMILY.

2. THE EMBASSY NATURALLY UNDERSTANDS THAT IT WOULD BE INAPPROPRIATE FOR US TO COMMENT AT THIS TIME ON THE MERITS OR THE SUBSTANCE OF THE CASE ITSELF. NEVERTHELESS, THE EMBASSY DOES BELEIVE IT PROPER TO EXPRESS ITS VIEW THAT IN TERMS OF US INTERESTS IN GREECE, IT IS HIGHLY IMPORTANT THAT SANCHEZ, IF FOUND GUILTY OF THE CHARGES AGAINST HIM, BE CLEARLY PUNISHED FOR HIS OFFENSES AND THAT SUCH BECOMES PUBLIC KNOWLEDGE IN GREECE.

3. IDEALLY, IN THE EMBASSY'S VIEW, THE MATTER SHOULD BE DISPOSED OF SPEEDILY--IF POSSIBLE, BEFORE THE NEXT ROUND OF BILATERAL NEGOTIATIONS WITTH THE GOG CONCERNING US BASES AND MILITARY FACILITIES IN GREECE, WHICH ARE SCHEDULED TO RESUME IN MID-MARCH. IF THE ARTICLE 32 INVESTIGATION CAN BE CONCULDED PROMPTLY AND RESULTS IN A DECISION TO COURT MARTIAL SANCHEZ, THE EMBASSY WOULD HOPE THAT THE ENSUING COURT MARTIAL WOULD NOT BE PROLONGED AND THAT A GREEK MAGISTRATE WOULD BE INVITED TO BE PRESENT, AS PREVIOUSLY INDICATED WOULD BE ACCEPTABLE (REF D). THE EMBASSY ASSUMES THAT IT IS NOT EXCLUDED THAT SANCHEZ WITH THE ADVICE OF HIS COUNSEL MIGHT DECIDE TO PLEAD GUILTY TO SOME OR ALL OF THE CHARGES AGAINST HIM. IF NOT, AND SANCHEZ DECIDES TO PLEAD NOT GUILTY TO ANY SUCH CHARGES, THE EMBASSY WOULD HOPE THAT EVEN SO THE COURT MARTIAL WOULD CONCLUDE ITS PROCEEDINGS EXPEDITIOUSLY.

4. IF FOR ANY REASON THE SANCHEZ CASE WAS NOT CONSIDERED BY A DULY CONSTITUTED AND EMPOWERED COURT MARTIAL, THE AMBASSADOR HAS INDICATED HE WOULD FAVOR A PROMPT WAIVER OF SANCHEZ'S IMMUNITY SO THAT HIS CASE COULD BE CONSIDERED IN FORTHWITH IN ACCORDANCE WITH GREEK JUDICIAL PROCEEDINGS AND LAW. ONCE AGAIN, WITHOUT VENTURING TO COMMENT ON THE MERITS OR SUBSTANCE OF THE CASE ITSELF, THE EMBASSY BELEIVES THAT US INTERESTS IN GREECE REQUIRE AN EFFECTIVE

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JUDICIAL CONSIDERATION OF THE CHARGES THAT HAVE BEEN MADE AGAINST SANCHEZ.

5. THEREFORE, THE EMBASSY UNDERSTANDS THE DEPARTMTNE'S RELUCTANCE TO MAKE A FINAL DECISION ON THE MATTER OF WAIVING OR NOT WAIVING SANCHEZ'S IMMUNITY UNTIL AFTER A CONCLUSION HAS BEEN REACHED CONCERNING THE POSSIBILITY OF A COURT MARTIAL. THE EMBASSY AGREES WITH THIS POSITION,

ESPECIALLY SINCE IT PRESERVES THE POSSIBILITY OF WAIVING
IMMUNITY SUBSEQUENTLY IF THAT WERE TO BECOME ADVISABLE.

6. THE EMBASSY IS PREPARED TO TAKE THIS MATTER UP AGAIN
WITH THE GOG AND, IF THE DEPARTMENT SO INSTRUCTS, INFORMALLY
WITH THE FAMILY OF THE YOUNG GIRL WHO WAS A VICTIM. THE
EMBASSY WOULD CONSULT WITH APPROPRIATE
OFFICIALS IN THE MINISTRY OF FOREIGN AFFAIRS AND POINT OUT
THAT THE USG HAD MADE NO FINAL DECISION AS TO THE MATTER
OF IMMUNITY BUT BELIEVES THAT THE INTERESTS OF THE PRIN-
CIPAL PARTIES CONCERNED, INCLUDING OF COURSE THOSE OF SANCHEZ, WOULD
BEST BE SERVED BY CONCLUDING THE ARTICLE 32 INVESTIGATION
PROMPTLY SO AS TO MAKE A FINAL DECISION WHETHER OR NOT TO
CONVENE A COURT MARTIAL. THE EMBASSY WOULD ASK THAT GOG
OFFICIALS BE INSTRUCTED TO COOPERATE FULLY IN SUCH AN IN-
VESTIGATION, THERE BY ENABLING GREEK POLICE TO GIVE SWORN
TESTIMONY. IN ADDITION, THE EMBASSY WOULD REQUEST
THE GOG TO COOPERATE AND ASSIST A SUITABLE EMBASSY
REPRESENTATIVE TO PERSUADE THE FAMILY AND THE VICTIM
TO COOPERATE AS FULLY AS POSSIBLE IN BRINGING THE
ARTICLE 32 INVESTIGATION TO A CONCLUSION.

4. THE EMBASSY CANNOT BE SURE THAT SUCH AN APPROACH TO
THE GOG AND THE FAMILY WOULD BE SUCCESSFUL. HOWEVER,
IT APPEARS WORTH A TRY--IF DONE PROMPTLY--AND WOULD MAKE
POSSIBLE THE CONCULSION OF THE ARTICLE 32 INVESTIGATION
AND THE DEFERMENT FOR SOME ADDITIONAL PERIOD OF TIME OF
THE FINAL USG DECISION AS TO WHETHER OR NOT TO WAIVE
SANCHEZ'S IMMUNITY.

8. REQUEST FUTHER GUIDANCE AND INSTRUCTIONS.
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